

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TREVOR KEVIN BAYLIS,

Plaintiff(s),

V.

VALVE CORPORATION,

Defendant(s).

CASE NO.
2:23-cv-01653-RSM

ORDER REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND
EARLY SETTLEMENT

I. INITIAL SCHEDULING DATES

The Court sets the following dates for initial disclosure and submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: 1/17/2024

Initial Disclosures Pursuant to FRCP 26(a)(1): 1/24/2024

Combined Joint Status Report and Discovery
Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f): 1/31/2024

The deadlines above may be extended only by the Court. Any request for an extension should be made by email or telephone to Laurie Cuaresma, Courtroom Deputy, at laurie_cuaresma@wawd.uscourts.gov or (206) 370-8521. If Defendants have appeared, the parties are directed to meet and to confer before contacting the Court to request an extension.

If this case involves claims which are exempt from the requirements of FRCP 6(a) and 26(f), please notify Laurie Cuaresma, Courtroom Deputy, by email or

1 telephone at laurie_cuaresma@wawd.uscourts.gov or (206) 370-8521.

2 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

3 All counsel and any pro se parties are directed to confer and provide the Court
 4 with a combined Joint Status Report and Discovery Plan (the "Report") by
 5 January 31, 2024. This conference shall be by direct and personal communication,
 6 whether that be a face-to-face meeting or a telephonic conference. The Report will be
 7 used in setting a schedule for the prompt completion of the case. It must contain the
 8 following information by corresponding paragraph numbers:

9 1. A statement of the nature and complexity of the case.

10 2. A proposed deadline for the joining of additional parties.

11 3. The parties have the right to consent to assignment of this case to a full time

12 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13,
 13 to conduct all proceedings. The Western District of Washington assigns a wide range of
 14 cases to Magistrate Judges. The Magistrate Judges of this district thus have significant
 15 experience in all types of civil matters filed in our court. Additional information about
 16 our district's Magistrate Judges can be found at www.wawd.uscourts.gov. The
 17 parties should indicate whether they agree that the Honorable Michelle L. Peterson
 18 may conduct all proceedings, including trial and the entry of judgment. When responding
 19 to this question, the parties should only respond "yes" or "no." Individual party
 20 responses should not be provided. A "yes" response should be indicated only if all
 21 parties consent. Otherwise, a "no" response should be provided.

22 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),
 23 the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which
 24 includes the following topics:

25 (A) initial disclosures;

26 (B) subjects, timing, and potential phasing of discovery;

- 1 (C) electronically stored information;
- 2 (D) privilege issues;
- 3 (E) proposed limitations on discovery; and
- 4 (F) the need for any discovery related orders.

5 5. The parties' views, proposals, and agreements, by corresponding paragraph
6 letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes
7 the following topics:

- 8 (A) prompt case resolution;
- 9 (B) alternative dispute resolution;
- 10 (C) related cases;
- 11 (D) discovery management;
- 12 (E) anticipated discovery sought;
- 13 (F) phasing of motions;
- 14 (G) preservation of discoverable information;
- 15 (H) privilege issues;
- 16 (I) Model Protocol for Discovery of ESI; and;
- 17 (J) alternatives to Model Protocol.

18 6. The date by which discovery can be completed.

19 7. Whether the case should be bifurcated by trying the liability issues before
20 the damages issues, or bifurcated in any other way.

21 8. Whether the pretrial statements and pretrial order called for by Local Civil
22 Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part
23 for the sake of economy.

24 9. Any other suggestions for shortening or simplifying the case.

25 10. The date the case will be ready for trial. The Court expects that most civil
26 cases will be ready for trial within a year after filing the Joint Status Report and

1 Discovery Plan.

- 2 11. Whether the trial will be jury or non-jury.
- 3 12. The number of trial days required.
- 4 13. The names, addresses, and telephone numbers of all trial counsel.
- 5 14. The dates on which the trial counsel may have complications to be
- 6 considered in setting a trial date.
- 7 15. If, on the due date of the Report, all defendant(s) or respondents(s) have not
- 8 been served, counsel for the plaintiff shall advise the Court when service will be
- 9 effected, why it was not made earlier, and shall provide a proposed schedule for the
- 10 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.
- 11 16. Whether any party wishes a scheduling conference before the Court enters
- 12 a scheduling order in the case.

13 17. List the date(s) that each and every non-governmental corporate party filed

14 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

15 If the parties are unable to agree to any part of the Report, they may answer in

16 separate paragraphs. No separate reports are to be filed. If the parties wish to have a

17 status conference with the Court at any time during the pendency of this action, they

18 should notify Laurie Cuaresma by email or telephone at

19 laurie_cuaresma@wawd.uscourts.gov or (206) 370-8521.

20 **III. PLAINTIFF'S RESPONSIBILITY**

21 This Order is issued at the outset of the case, and a copy is sent by the clerk to

22 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.

23 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all

24 parties who appear after this Order is filed. Such service shall be accomplished

25 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)

26 will be responsible for starting the communications needed to comply with this Order.

IV. ALTERATIONS TO ELECTRONIC FILING PROCEDURES

Beginning June 1, 2004, counsel are required to electronically file all documents with the Court. *Pro se* litigants may file either electronically or in paper form. Information and procedures for electronic filing can be found on the website for the Western District of Washington at www.wawd.uscourts.gov. The following alterations to the Electronic Filing Procedures apply in all cases pending before Judge Martinez:

7 1. Section III, Paragraph F: when the aggregate submittal to the Court (*i.e.*,
8 the motion, any declarations and exhibits, the proposed Order, and the certificate of
9 service) exceeds **fifty (50)** pages in length, a paper copy of the documents (with tabs
10 or other organizing aids as appropriate) shall be delivered to the Clerk's Office for
11 chambers, in addition to electronically filing the document. The chambers copy must be
12 clearly marked as a "Courtesy Copy of Electronic Filing for Chambers."

13 2. In addition, unless the proposed Order is stipulated, agreed, or otherwise
14 unopposed, the parties need not e-mail a copy of the proposed Order to the judge's
15 e-mail address.

V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

17 If settlement is achieved, counsel shall immediately notify Laurie Cuaresma,
18 Courtroom Deputy, at laurie_cuaresma@wawd.uscourts.gov or (206) 370-8521.

19 The parties are responsible for complying with the terms of this Order. The Court
20 may impose sanctions on any party who fails to comply fully with this Order.

21 DATED: The 20th of December 2023



Honorable Ricardo S. Martinez
United States District Judge